

**MEDICAL EXAMINING BOARD
NOVEMBER 17, 2004
MEETING MINUTES**

PRESENT: Alfred Franger, MD; Daniel Miota, DO; Sujatha Kailas, MD; Gene Musser, MD; Jon Gudeman, MD; Jack Lockhart, MD; Mary Cook, JD; Lief Erickson, MD.

EXCUSED: Bhupinder Saini, MD; Ian Munro, MD; Virginia Heinemann.

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Kevin Murphy, Bureau Assistant; and DOE Staff for portions of the meeting.

GUESTS: Mark Grapentine, WMS

CALL TO ORDER

Chair Alfred Franger, MD, called the meeting to order at 8:05 a.m.

APPROVAL OF THE AGENDA

Additions:

Add "Consideration of Complaint in case 03 MED 482" after item K.

Add supplemental correspondence to item M.

Add supplemental correspondence to item O.

Informational e-mail added to item Q.

Under DOE Monitoring, add "Request to modify board order – Thomas Holbrook" and "Request to surrender license – James Cadwallader."

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 20, 2004

Amendments:

Under "Guests," change "WMA" to "WMS."

Add the date of Eric Callisto's proposal to the motion of approval.

Change the meeting start time to "8:05 a.m."

MOTION: Dr. Musser moved, seconded by Dr. Gudeman, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Report of Screening Panel

Dr. Franger reported that this month the screening panel opened 14 cases, closed 28, and requested more information for 1.

2005 Meeting Dates

MOTION: Dr. Lockhart moved, seconded by Dr. Musser, to approve the revised meeting dates. Motion carried unanimously.

Appointment of Screening Panel for 2005

Board members discussed which months they will be available to screen. A schedule of screeners will be presented for approval at the December meeting.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION, AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JORGE ALBERTO VALCARCEL, MD. BY ATTORNEY MICHAEL BERNDT – CASE ADVISOR – MARY COOK, JD

DOE Attorney Michael Berndt presented the proposed stipulation, final decision and order in the matter of Jorge Alberto Valcarcel, MD. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION, AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST FATIMA S. AHMED, MD, BY ATTORNEY GIL LUBCKE – CASE ADVISOR – GENE MUSSER, MD

DOE Attorney Gil Lubcke presented the proposed stipulation, final decision and order in the matter of Fatima S. Ahmed, MD. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION, AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MARK C. BOETTCHER, MD, BY ATTORNEY GIL LUBCKE – CASE ADVISOR – LIEF ERICKSON, MD

DOE Attorney Gil Lubcke presented the proposed stipulation, final decision and order in the matter of Mark C. Boettcher, MD. This matter will be deliberated on in closed session.

WMS GUIDELINES FOR THE ASSESSMENT AND MANAGEMENT OF CHRONIC PAIN – DISCUSSION

Since Dr. Saini, the Board's pain specialist, was not present, the Board deferred action on this matter.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Dr. Musser moved, seconded by Dr. Miota, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Franger—yes; Erickson—yes; Gudeman—yes; Cook—yes; Kailas—yes; Lockhart—yes; Miota—yes; Musser—yes.

The Board convened into closed session at 8:50 a.m.

RECONVENE INTO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION

The Board reconvened into open session at 11:25 a.m.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION, AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JORGE ALBERTO VALCARCEL, MD – CASE ADVISOR – MARY COOK, JD

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to adopt the proposed stipulation, final decision and order in the matter of Jorge Alberto Valcarcel, MD. Ms. Cook abstained from deliberations and voting. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION, AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST FATIMA S. AHMED, MD – CASE ADVISOR – GENE MUSSER, MD

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to adopt the proposed stipulation, final decision and order in the matter of Fatima S. Ahmed, MD. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION, AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MARK C BOETTCHER, MD – CASE ADVISOR – LIEF ERICKSON, MD

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the proposed stipulation, final decision and order in the matter of Mark C. Boettcher, MD. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNING IN CASE 03 MED 489 – CASE ADVISORS – LIEF ERICKSON, MD, AND BHUPINDER SAINI, MD

MOTION: Dr. Miota moved, seconded by Dr. Lockhart, to issue an administrative warning in the matter of 03 MED 489. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNING IN CASE 04 MED 208 – CASE ADVISOR – MARY COOK, JD

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to issue an administrative warning in the matter of 04 MED 208. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNING IN CASE 01 MED 219 – CASE ADVISOR – BHUPINDER SAINI, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Miota, to issue an administrative warning in the matter of 01 MED 219. Motion carried unanimously.

CONSIDERATION OF COMPLAINT IN CASE 03 MED 478 – CASE ADVISOR – JON GUDEMAN, MD

MOTION: Ms. Cook moved, seconded by Dr. Lockhart, to find probable cause and issue a complaint in the matter of 03 MED 478. Dr. Kailas abstained from deliberation and voting. Motion carried unanimously.

CONSIDERATION OF COMPLAINT IN CASE 03 MED 482 – CASE ADVISOR – ALFRED FRANGER, MD

MOTION: Dr. Erickson moved, seconded by Ms. Cook, to find probable cause and issue a complaint in the matter of 03 MED 482. Dr. Franger abstained from deliberation and voting. Motion carried.

CONSIDERATION OF COSTS IN THE MATTER OF SHIRLEY Y. GODIWALLA, MD

MOTION: Ms. Cook moved, seconded by Dr. Lockhart, to adopt the order fixing costs in the matter of Shirley Y. Godiwalla, MD. Motion carried unanimously.

REQUEST FOR RE-REGISTRATION OF LICENSE – PETER FARR, MD

MOTION: Dr. Kailas moved, seconded by Dr. Lockhart, to grant full licensure to Peter Farr, MD. Motion carried unanimously.

APPLICATION REVIEW – VINOD K. GOYAL, MD

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to grant to Vinod K. Goyal, MD, a license which excludes the practice of obstetrics. Motion carried unanimously.

DOE MONITORING:

REQUEST FOR THREE MONTH STAY – MARK BENSON, MD

MOTION: Dr. Erickson moved, seconded by Dr. Lockhart, to grant a one month stay of suspension in the matter of Mark Benson, MD. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY – RAYMOND KOZIOL, MD

MOTION: Ms. Cook moved, seconded by Dr. Miota, to grant a three month stay of suspension to Raymond Koziol, MD, contingent upon his submitting to drug screens at one of the two testing programs approved by the Board. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY – DAVID ONSRUD, MD

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to grant a three month stay of suspension in the matter of David Onsrud, MD. Dr. Lockhart abstained from deliberation and voting. Motion carried.

REQUEST TO SURRENDER LICENSE – JAMES CADWALLADER, MD

MOTION: Dr. Miota moved, seconded by Ms. Cook, to accept Dr. James Cadwallader's surrender of his license. Motion carried unanimously.

REQUEST TO MODIFY BOARD ORDER – THOMAS HOLBROOK, MD

MOTION: Dr. Miota moved, seconded by Ms. Cook, to allow a reduction in therapy to once per month in the period prior to employment for Dr. Holbrook. Once Dr. Holbrook resumes practice, he must notify the Board and comply with the Board's original order of weekly therapy. Dr. Gudeman abstained from deliberation and voting. Motion carried.

DOE CASE CLOSINGS

MOTION: Dr. Miota moved, seconded by Dr. Lockhart, to close case 04 MED 092 for P7. Motion carried unanimously.

MOTION: Dr. Erickson moved, seconded by Dr. Musser, to close case 04 MED 189 for insufficient evidence. Motion carried unanimously.

- MOTION:** Dr. Lockhart moved, seconded by Dr. Musser to close case 02 MED 134 for insufficient evidence. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Dr. Kailas, to close case 04 MED 112 for P1. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Dr. Kailas, to close case 04 MED 164 for no violation. Motion carried unanimously.
- MOTION:** Dr. Lockhart moved, seconded by Dr. Musser, to close case 04 MED 235 for no violation. Motion carried unanimously.
- MOTION:** Dr. Miota moved, seconded by Dr. Kailas, to close case 03 MED 489 for no violation. Motion carried unanimously.

ADJOURNMENT

- MOTION:** Dr. Miota moved, seconded by Dr. Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:40 a.m.

Next Meeting: December 15, 2004